

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Court Minutes and Order

DATE: May 4, 2021
JUDGE: Pamela Pepper
CASE NO: 2016-cv-662
CASE NAME: Jerpaul Spencer v. Michael Vagnini, *et al.*
NATURE OF HEARING: Status Conference
APPEARANCES: Nathaniel Cade, Jr. – Attorney for the plaintiff
Susan Lappen – Attorney for the defendants
COURTROOM DEPUTY: Kristine Wrobel
TIME: 11:07 a.m. – 11:23 a.m.

AUDIO OF THIS HEARING AT DKT. NO. 137

The court noted that this was the first hearing since it had ruled on the motion for summary judgment. The court asked the parties how they wanted to proceed, adding that it understood the parties previously had tried mediation but was wondering whether they might be open to trying again now that the issues have been narrowed or whether they preferred to schedule a final pretrial conference and a trial.

Counsel for the plaintiff indicated that it appeared the case would proceed to trial. Counsel understood that Ms. Lappen, current defense counsel, had not been part of the defense team at the time of the mediation, but he opined that after some statements prior defense counsel had made outside the mediation context, he had concerns that mediation would not be fruitful. He explained that if the attitude of the previous attorney was shared by the defendants, there was no point in trying mediation. Counsel noted that this case was aging and needed to come to a resolution.

Defense counsel explained that she had inherited this case from her predecessor only late last week. Counsel had not had enough time to thoroughly review the case. Counsel stated that at this point, she did have authority from the City to resolve the case. Counsel indicated that she was open to mediation but would need time to review the case file and the deposition transcripts.

The plaintiff's counsel believed the trial would take about four days; defense counsel explained that she had not yet received the physical file so she was unable to surmise how long the trial might take.

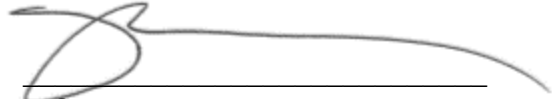
The court proposed that it give defense counsel time to review the file and the parties time to discuss possible resolution and trial logistics. The parties can file a status report by a date certain advising the court of the length of time needed for the trial and time frames during which they would be available for trial. The court told the parties that they are welcome to try

mediation with either a magistrate judge or a third-party mediator; if they want to use a magistrate judge, they need only jointly notify the court.

The court **ORDERS** the parties to file a status report by the end of the day on May 21, 2021 advising the court of the estimate of the length of the trial and periods the parties will be available for the court to schedule that trial.

Dated in Milwaukee, Wisconsin this 4th day of May, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge